

IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
MINNESOTA

IN RE: BAIR HUGGER FORCED AIR      MDL No. 15-md-2666(JNE/FLN)  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

This document relates to:

LINDA HAYES, et al.

Plaintiff,

Civil Action No. 0:17-cv-2572-JNE-FLN

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**DECLARATION OF SETH S. WEBB IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Seth S. Webb, declare as follows:

1. I am an attorney at Brown and Crouppen Law Firm and Counsel for Plaintiff  
Linda Hayes in the above-captioned matter.

2. I submit this affidavit in opposition to Defendant's Motion to Dismiss for  
Failure to Comply with Pretrial Order No. 23 [Dkt. 1740] filed on February 7, 2019.

3. Ms. Hayes contacted Brown and Crouppen Law Firm in August of 2015  
regarding injuries that were allegedly caused by the Bair Hugger patient warming device.

4. Medical records and billing records pertaining to Ms. Hayes' treatment were

obtained by Brown and Crouppen. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on July 6, 2017 to comply with the statute of limitations deadline.

6. Plaintiff's spouse, Myron Hayes, informed Counsel on November 6, 2018 that Linda Hayes had passed away on February 20, 2018. Counsel filed the Suggestion of Death on January 7, 2019.

7. Mr. Hayes was appointed Independent Administrator of the Estate of Linda Hayes on January 8, 2019 for the purpose of prosecuting this action.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY SUBMITTED,

BROWN & CROUPPEN, P.C.

Dated: February 14, 2019

/s/Seth S. Webb  
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